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10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

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16 UNITED STATES OF AMERICA,) CR No. 08-70809 JCS
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) EXCLUDING TIME UNDER FED. R. CRIM.
19 WALTER ADILIO AJIATAS-) P. 5.1 and 18 U.S.C. § 3161
MAZARIEGOS)
20 a/k/a WALTER ADILIO)
MAZARIEGOS,)
21 a/k/a WILSON REYES, and)
a/k/a WILFRED CASTANEDA,)
22 Defendant.)
23 _____)

24
25 On December 4, 2008, the parties in this case appeared before the Court for the
26 defendant's detention hearing. At that time, the parties requested, and the Court agreed, to set
27 the date for the defendant's preliminary hearing or arraignment on December 18, 2008. The
28 parties also requested that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the

1 time limits set forth in FRCP 5.1(c) be extended through December 18, 2008. The parties agree
2 that, taking into account the public interest in prompt disposition of criminal cases, good cause
3 exists for this extension.

4 The defendant also agrees to exclude for this period of time any time limits applicable
5 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
6 reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The
7 parties also agreed that the ends of justice served by granting such a continuance outweighed the
8 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

9 SO STIPULATED:

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11 JOSEPH P. RUSSONIELLO
United States Attorney

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13 DATED: December 10, 2008 /s/
14 TAREK J. HELOU
Assistant United States Attorney

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16 DATED: December 10, 2008 /s/
17 STEVEN G. KALAR
Attorney for WALTER A. AJIATAS-MAZARIEGOS

18 For the reasons stated above, the Court finds that the extension of time for the defendant's
19 preliminary hearing or arraignment through December 18, 2008 is warranted and that the ends of
20 justice served by the continuance outweigh the best interests of the public and the defendant in a
21 speedy trial. 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested
22 continuance would deny the defendant effective preparation of counsel, and would result in a
23 miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

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25 SO ORDERED.

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27 DATED: 12/10/08 
28 THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge